

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16911 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- MADHAURAH District- Saran

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Dharmendra Tiwari @ Dharmendra Tiwary @ Dharmendra Kr. Tiwari S/o
Birendra Tiwari @ Virendra Tiwari R/o village- Ganeshpatti, P.S.- Bheldi,
District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
31.08.2021 in connection with Marhowrah P.S. Case No. 408 of
2021, F.I.R. dated 14.07.2021 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, two miscreants entered
into the CSP centre and on the point of pistol, they looted Rs.
2,70,000/- cash from the counter and some important
documents.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Rajesh Singh and on the confessional statement of the co-accused, Rajesh Singh, recovery has been made from the house of the co-accused, Rajesh Singh. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the petitioner has been remanded in the present case from Baniyapur P.S. Case No. 279 of 2021 on 31.08.2021. The petitioner is in custody since 31.08.2021.

Vide order dated 21.03.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 31.03.2023 reveals that the charge has been framed under Section 392 of the Indian Penal Code read with Section 34 of the Indian Penal Code against the petitioner and other accused persons and till date prosecution has not examined any witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 18 criminal antecedents other than the present one but fairly submits on the basis of the order produced by the counsel for the petitioner that the petitioner has been granted bail in 2 cases and the petitioner has implicated in other cases after the filing of the present case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 408 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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